

PETITION FOR ZONING VARIANCE
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 103.3 (IA00.3.B.3) to permit a side yard setback of 42 ft. in lieu of the required 50 ft.

I bought lot # 20 from an individual who bought it from the developer with the expectation that I would be able to construct my house on the lot which contains over 1 acre of land. Now I find that the house I need totaling 28' x 86' with the garage, does not fit on the lot with the required 50 ft. side setbacks because of the configuration of the lot and the size house that I need

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: Legal Owner(s):
(Type or Print Name) Herbert W. Wirts
Signature: Barbara L. Wirts
Address: 3319 Southgreen Road
City and State: Baltimore, Maryland 21207
Attorney for Petitioner: W- 3193
(Type or Print Name) 3319 Southgreen Road H- 922-2147
Signature: Baltimore, Maryland 21207
Address: Name, address and phone number of legal owner, contract purchaser or representative to be contacted
City and State: Name
Attorney's Telephone No.: Address Phone No.

ORDERED BY The Zoning Commissioner of Baltimore County, this 12th day of June, 1986, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Maryland on the 14th day of July, 1986, at 9:45 o'clock.

(over)

MICROFILMED

87-14-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this 12th day of June, 1986

Petitioner Herbert W. Wirts, et ux Received by: James E. Dyer
Attorney's Attorney Chairman, Zoning Plans Advisory Committee

MICROFILMED

RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER
E/S of Marshall Mill Rd. : OF BALTIMORE COUNTY
2460' N of the C/L of
Mt. Carmel Rd., 5th Dist.
HERBERT W. WIRTS, et ux, : Case No. 87-14-A
Petitioners :

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

I HEREBY CERTIFY that on this 20th day of June, 1986, a copy of the foregoing Entry of Appearance was mailed to Mr. and Mrs. Herbert W. Wirts, 3319 Southgreen Rd., Baltimore, MD 21207, Petitioners.

Peter Max Zimmerman
Peter Max Zimmerman
People's Counsel

property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the petitioner must meet the following:

- whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance were granted, such use as proposed would not be contrary to the spirit of the BCZR and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the instant variance were not granted. It has been established that the requirement from which the Petitioners seek relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 16th day of July, 1986, that the Petition for Zoning Variance to permit a side yard setback of 42 feet in lieu of the required 50 feet be and

- 2 -

MICROFILMED

IN RE: PETITION ZONING VARIANCE * BEFORE THE
E/S of Marshall Mill Road, * ZONING COMMISSIONER
2,460' N of the centerline * OF BALTIMORE COUNTY
of Mt. Carmel Road * Case No. 87-14-A
5th Election District *
Herbert W. Wirts, et ux, *
Petitioners *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a side yard setback of 42 feet in lieu of the required 50 feet, as more particularly described on Petitioners' Exhibit 1.

The Petitioner, Herbert W. Wirts, appeared and testified. There were no Protestants.

Testimony indicated that the subject property is located on Marshall Mill Road in a development approved when the property was zoned R.D.P., which required 50-foot side yard setbacks. The Petitioners propose to construct an 86' x 28' single-story, ranch style dwelling on the vacant 180' x 270' lot, adjacent to property owned by their daughter, because of Mrs. Wirts' arthritis. The proposed dwelling requires a setback of 42 feet to the north property line, contiguous to their daughter's property. Although presently zoned R.C.2, which requires only 35-foot side yard setbacks, a variance is required. To reduce the size of the dwelling to fit the 50-foot requirement would negatively impact the Petitioners' familial needs, and inasmuch as the present zoning requires only a 35-foot setback, it would serve no useful purpose to require the greater setback.

The Petitioners seek relief from Sections 103.3 and IA00.3.B.3, pursuant to Section 307, Baltimore County Zoning Regulations (BCZR).

An area variance may be granted where strict application of the zoning regulation would cause practical difficulty to the petitioner and his

MICROFILMED

PETITION FOR ZONING VARIANCE

5th Election District

Case No. 87-14-A

LOCATION: East Side of Marshall Mill Road, 2460 feet North of the Centerline of Mt. Carmel Road

DATE AND TIME: Monday, July 14, 1986, at 9:45 a.m.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Zoning Variance to permit a side yard setback of 42 feet in lieu of the required 50 feet

is hereby GRANTED, from and after the date of this Order, subject to the following:

- The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

Zoning Commissioner of Baltimore County

AJ/srl

cc: Mr. & Mrs. Herbert W. Wirts

People's Counsel

Being the property of Herbert W. Wirts, et ux, as shown on plat plan filed with the Zoning Office.

In the event that this Petition(s) is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF
ARNOLD JARLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

MICROFILMED

Zoning Description

Beginning on the E/S of Marshall Mill Road, 2460 ft. N. of the centerline of Mount Carmel Road. Being Lot # 20 Plat #2 Buena Vista, recorded in the land records of Baltimore County. Containing 1.1 Ac in the 5th. Election district.

MICROFILMED
OFFICE COPY

Mr. Herbert W. Wirts
Mrs. Barbara L. Wirts
3319 Southgreen Road
Baltimore, Maryland 21207

June 13, 1986

NOTICE OF HEARING

RE: PETITION FOR ZONING VARIANCE
E/S of Marshall Mill Rd., 2460' N of the
c/l of Mt. Carmel Rd.
5th Election District
Herbert W. Wirts, et ux - Petitioners
Case No. 87-14-A

TIME: 9:45 a.m.

DATE: Monday, July 14, 1986

PLACE: Room 106, County Office Building, 111 West Chesapeake
Avenue, Towson, Maryland

PETITION FOR ZONING
VARIANCE
5th Election District
Case No. 87-14-A
LOCATION: East Side of Marshall
Mill Road, 2460 feet North of the
Centerline of Mt. Carmel Road
DATE AND TIME: Monday, July 14,
1986, at 9:45 a.m.
PUBLIC HEARING: Room 106,
County Office Building, 111 W.
Chesapeake Avenue, Towson,
Maryland
The Zoning Commissioner of Baltimore
County, by authority of the Zoning
Act and Regulations of Baltimore
County, will hold a public hearing
on the petition for zoning variance to per-
mit a side yard setback of 42 feet in lieu
of the required 50 feet.
Being the property of Herbert W.
Wirts, et ux, as shown on plat plan filed
with the Zoning Office.
In the event that this Petitioner(s) is
granted, a building permit may be
issued within the thirty (30) day appeal
period. The Zoning Commissioner
will, however, entertain any request for
a stay of the issuance of said permit
during this period for good cause
shown. Such request must be received
in writing by the date of the hearing set
above or made at the hearing.
By Order Of
ARNOLD JABLON,
Zoning Commissioner
of Baltimore County
June 26.

CERTIFICATE OF PUBLICATION

TOWSON, MD., June 26, 1986

THIS IS TO CERTIFY, that the annexed advertisement was
published in THE JEFFERSONIAN, a weekly newspaper printed
and published in Towson, Baltimore County, Md., once in each
of 3 successive weeks, the first publication appear-
ing on June 12, 1986

THE JEFFERSONIAN,

Susan Seiden O'Brien

Publisher

Cost of Advertising

2200

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

June 30, 1986

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

000

Chairman

MEMBERS

Bureau of
Engineering
Department of
Traffic Engineering
State Roads Commission
Bureau of
Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial
Development

Mr. Herbert W. Wirts
3319 Southgreen Road
Baltimore, Maryland 21207

RE: Item No. 454 - Case No. 87-14-A
Petitioner: Herbert W. Wirts, et ux
Petition for Zoning Variance

Dear Mr. Wirts:

The Zoning Plans Advisory Committee has reviewed the plans
submitted with the above-referenced petition. The following
comments are not intended to indicate the appropriateness of the
zoning action requested, but to assure that all parties are made
aware of plans or problems with regard to the development plans
that may have a bearing on this case. The Director of Planning
may file a written report with the Zoning Commissioner with recom-
mendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the
Committee at this time that offer or request information on your
petition. If similar comments from the remaining members are
received, I will forward them to you. Otherwise, any comment that
is not informative will be placed in the hearing file. This
petition was accepted for filing on the date of the enclosed
filing certificate and a hearing scheduled accordingly.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:kbb
Enclosures

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
TO: Zoning Commissioner

Date: July 8, 1986

Norman E. Gerber, AICP
FROM: Director, Office of Planning & Zoning

SUBJECT: Petitions for Zoning Variances:

No. 87-13-A
No. 87-14-A
No. 87-18-A
No. 87-19-A
No. 87-20-A
No. 87-21-A
No. 87-22-A

There are no comprehensive planning factors requiring comment on these petitions.

Norman E. Gerber per J. H. Howell
Norman E. Gerber, AICP

NEG:JGH:bjs

CPS-nna

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 021683

DATE: 6/6/86 ACCOUNT: 01-615-000

AMOUNT: \$ 35.00

RECEIVED FROM: Herbert Wirts

FOR: Variance # 454

FOR: B 8013*****583518 60767

VALIDATION OR SIGNATURE OF CASHIER

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 5th Date of Posting: June 24, 1986

Posted for: Variance

Petitioner: Herbert W. Wirts, et ux

Location of property: E/S of Marshall Mill Rd., 2460' N of the c/l

of Mt. Carmel Rd.

Location of Signs: E/S of Marshall Mill Rd. in front of subject

property at 18001 Marshall Mill Rd.

Remarks:

Posted by: J. J. Grala Date of return: June 27, 1986

Signature

Number of Signs: 1

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JABLON
ZONING COMMISSIONER

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

July 9, 1986

Mr. Herbert W. Wirts
Mrs. Barbara L. Wirts
3319 Southgreen Road
Baltimore, Maryland 21207

RE: PETITION FOR ZONING VARIANCE
E/S of Marshall Mill Rd., 2460' N of the c/l
of Mt. Carmel Rd.
5th Election District
Herbert W. Wirts, et ux - Petitioners
Case No. 87-14-A

Dear Mr. and Mrs. Wirts:

This is to advise you that \$58.35 is due for advertising
and posting of the above property. This fee must be paid before an
Order is issued.

THIS FEE MUST BE PAID AND THE ZONING SIGN AND POST RETURNED ON
THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Do not remove sign from property from the time it is placed by
this office until the day of the hearing itself.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 021786

DATE: 7/14/86 ACCOUNT: 2-01-615-000

SIGN AND POST TO
BE RETURNED

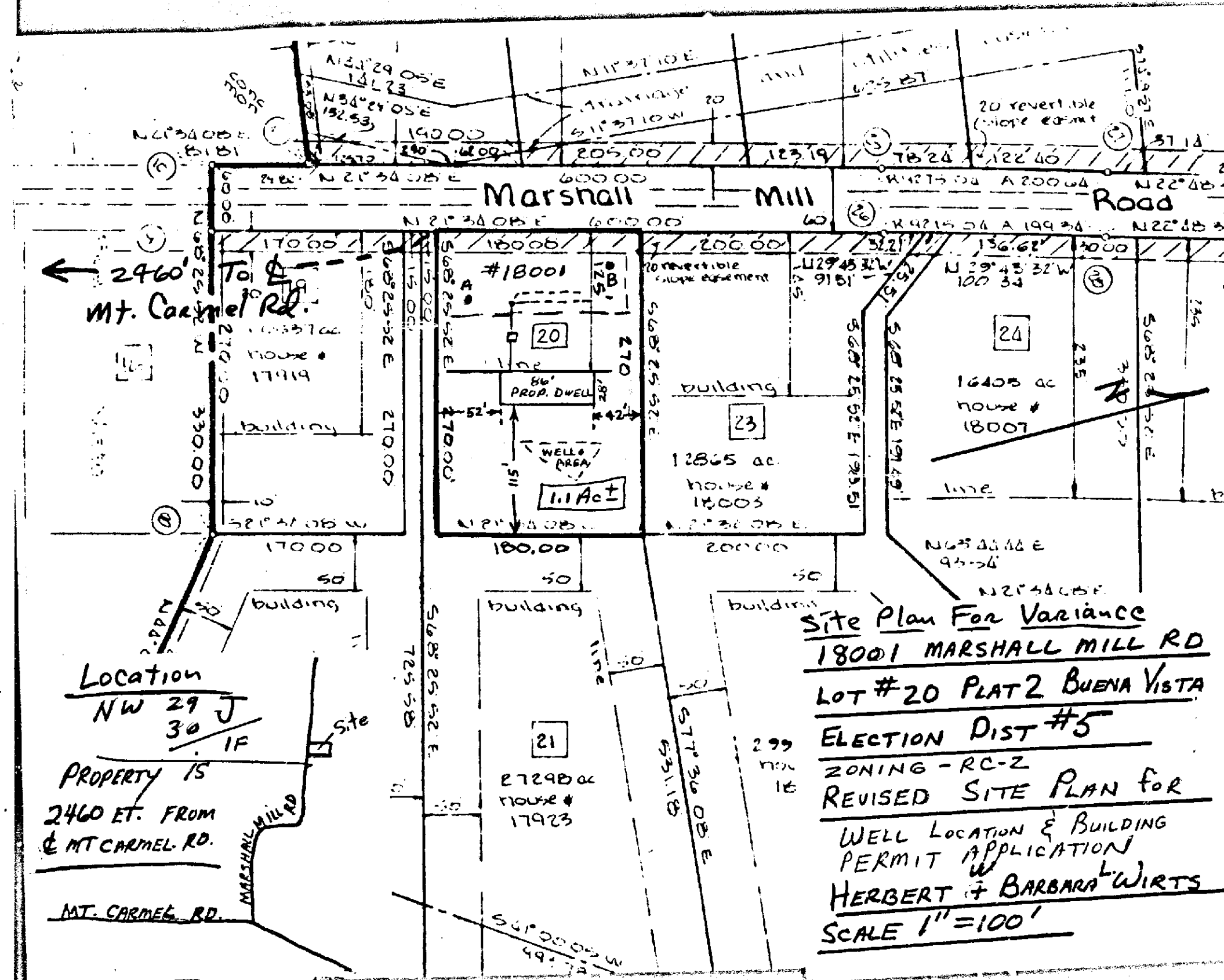
AMOUNT: \$ 58.35

RECEIVED FROM: Herbert W. Wirts, 3319 Southgreen Rd.,
Baltimore, Md. 21207

FOR: Advertising and Posting re Case #87-14-A

FOR: B 8013*****583518 6146F

VALIDATION OR SIGNATURE OF CASHIER



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
TO: Zoning Commissioner Date: July 8, 1986

Norman E. Gerber, AICP
FROM: Director, Office of Planning & Zoning

SUBJECT: Petitions for Zoning Variances:

No. 87-13-A
No. 87-14-A
No. 87-18-A
No. 87-19-A
No. 87-20-A
No. 87-21-A
No. 87-22-A

There are no comprehensive planning factors requiring comment on these petitions.

Norman E. Gerber
Norman E. Gerber, AICP

NEG:JGH:bjs



BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204-2586
494-4300

PAUL H. REINCKE
CHIEF

June 24, 1986

Mr. Arnold Jablon
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

RE: Property Owner: Herbert W. Wirts, et ux
Location: E/S Marshall Mill Rd., 2460' N. of centerline of Mt. Carmel Rd.
Item No.: 454 Zoning Agenda: 6/17/86

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

() 1. Fire hydrants for the referenced property are required and shall be located at intervals or feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

() 2. A second means of vehicle access is required for the site.

() 3. The vehicle dead end condition shown at

EXCEEDS the maximum allowed by the Fire Department.

() 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

(X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 edition prior to occupancy.

() 6. Site plans are approved, as drawn.

() 7. The Fire Prevention Bureau has no comments, this time.

REVIEWER: *John F. O'Neill*
Noted and Approved: *John F. O'Neill*
Planning Group
Special Inspection Division
Fire Prevention Bureau

/mb

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND

Legislative Session 1986, Legislative Day No. 13

RESOLUTION NO. 35-86

Messrs. Huddles & Ruppertsberger, Councilman

By the County Council, June 16, 1986

A RESOLUTION concerning the public disclosure of Herbert W. Wirts

WHEREAS, Herbert W. Wirts, County Auditor, is the owner of property located at 18001 Marshall Mill Road in the Third Councilmanic District, which property is or will be the subject of a Petition for Variance to the side yard setback requirements; and

WHEREAS, this Resolution is intended to serve as the public disclosure required by §22-11(e) of the Baltimore County Code.

NOW, THEREFORE, BE IT RESOLVED by the County Council of Baltimore County, Maryland, that the interest of Herbert W. Wirts in the property described herein and the Petition for Variance in connection therewith does not contravene the public welfare.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter stricken from existing law.
Strike out indicates matter stricken from bill.
Underlining indicates amendments to bill.



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
TOWSON, MARYLAND 21204

NORMAN E. GERBER
DIRECTOR

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

JULY 1, 1986

Re: Zoning Advisory Meeting of JUNE 17, 1986
Item 454 HERBERT W. WIRTS
Location: E/S MARSHALL MILL RD.
2460' N. OF MT. CARMEL RD.

Dear Mr. Jablon:

The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable.

- ☒ There are no site planning factors requiring comment.
- ☒ A County Review Group Meeting is required.
- ☒ A County Review Group Meeting was held and the minutes will be forwarded by the Bureau of Public Services.
- ☒ This site is part of a larger tract; therefore it is defined as a subdivision. The plan must show the entire tract.
- ☒ A record plat will be required and must be recorded prior to issuance of a building permit.
- ☒ The access is not satisfactory.
- ☒ The circulation on this site is not satisfactory.
- ☒ The parking arrangement is not satisfactory.
- ☒ Parking calculations must be shown on the plan.
- ☒ This property contains soils which are defined as wetlands, and development on these soils is prohibited.
- ☒ Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-53 of the Development Regulations.
- ☒ Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
- ☒ The amended Development Plan was approved by the Planning Board.
- ☒ Landscaping must comply with Baltimore County Landscape Manual.
- ☒ The property is located in a deficient service area as defined by §111.173-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service is
- ☒ The property is located in a traffic area controlled by a "D" level intersection as defined by §111.173-79, and as conditions change traffic capacity may become more limited. The Basic Services Area is re-evaluated annually by the County Council.
- ☒ Additional comments:

Eunna A. Butler
Chief, Current Planning and Development

cc: James Hoswell

PETITION FOR ZONING VARIANCE
5th Election District
Case No. 87-14

LOCATION: East Side of Marshall Mill Road, 2460 feet North of the Centerline of Mt. Carmel Road.
DATE AND TIME: Monday, July 14, 1986 at 9:45 a.m.
PUBLIC HEARING: Room 102, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the Petition for Zoning Variance to permit a side yard setback of 42 feet in lieu of the required 50 feet.
Being the property of Herbert W. Wirts, et ux, as shown on plat plan filed with the Zoning Office.
In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during the period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

☒ Community Times, a

LANDMARK COMMUNITY NEWSPAPERS OF MARYLAND, INC.

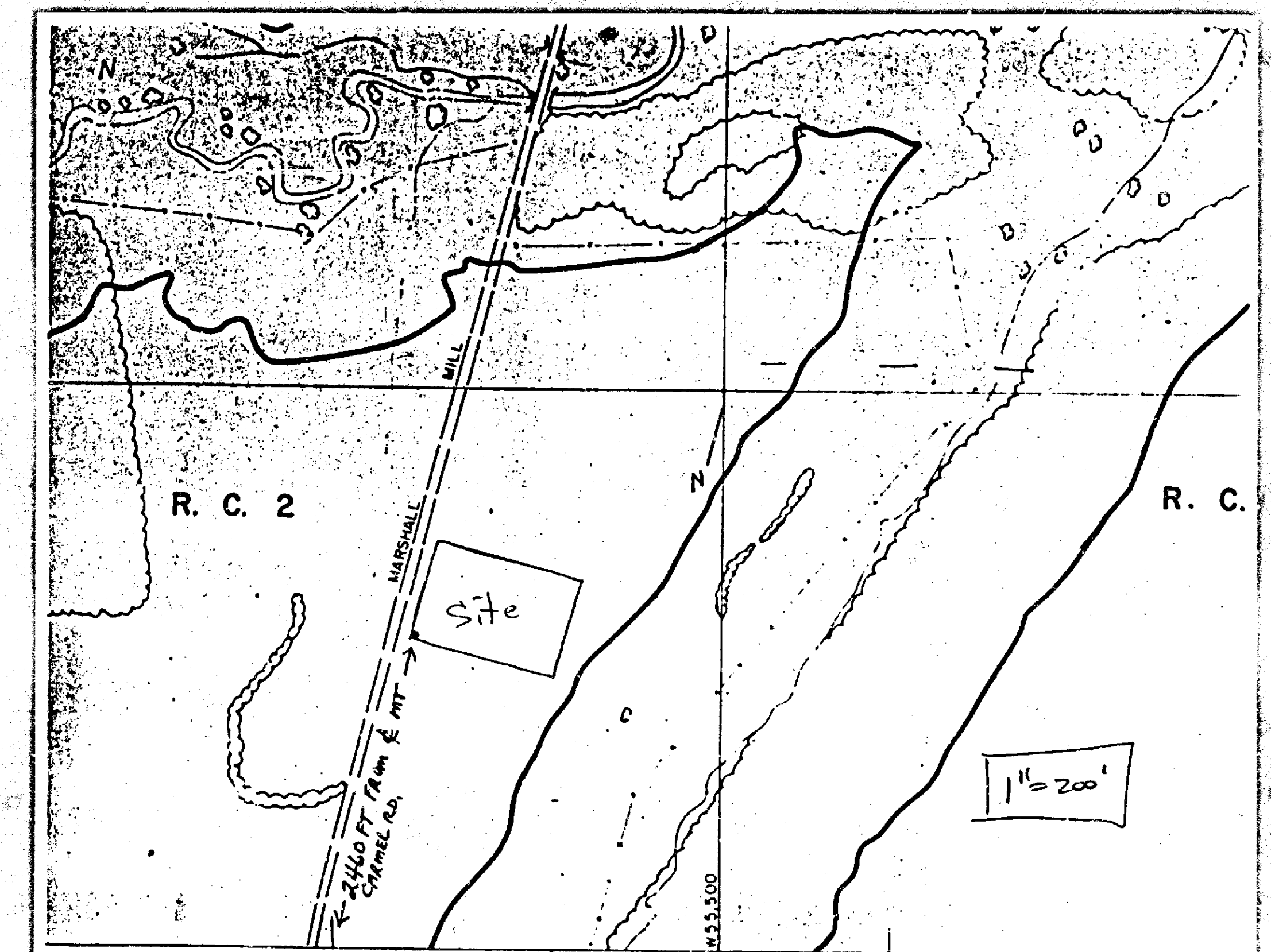
Per: *Melanie J. Jumper*

PERS OF MARYLAND, INC.

Ad. June 26, 1986

Annexed Req. #85733L P.O. # 77880
Successive 30 days previous
1986, in the

a daily newspaper published in Annapolis, Carroll County, Maryland.
a weekly newspaper published in Baltimore County, Maryland.
a weekly newspaper published in Baltimore County, Maryland.
a weekly newspaper published in Baltimore County, Maryland.



PETITION FOR ZONING VARIANCE
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 103.3 (IA00.3.B.3) to permit a side yard setback of 42 ft. in lieu of the required 50 ft.

I bought lot # 20 from an individual who bought it from the developer with the expectation that I would be able to construct my house on the lot which contains over 1 acre of land. Now I find that the house I need totaling 28' x 86' with the garage, does not fit on the lot with the required 50 ft. side setbacks because of the configuration of the lot and the size house that I need

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: Legal Owner(s):
(Type or Print Name) Herbert W. Wirts
Signature: Signature
Address: Barbara L. Wirts
City and State: (Type or Print Name)
Attorney for Petitioner: W- 3193
(Type or Print Name) 3319 Southgreen Road H- 922-2147
Address: Address
Signature: Baltimore, Maryland 21207
City and State: City and State
Attorney's Telephone No.: Name
Address: Phone No.

ORDERED BY The Zoning Commissioner of Baltimore County, this 12th day of June, 1986, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Maryland on the 14th day of July, 1986, at 9:45 o'clock.

(over)

MICROFILMED

87-14-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this 12th day of June, 1986

Petitioner Herbert W. Wirts, et ux Received by: James E. Dyer
Attorney's Attorney Chairman, Zoning Plans Advisory Committee

MICROFILMED

RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER
E/S of Marshall Mill Rd. : OF BALTIMORE COUNTY
2460' N of the C/L of
Mt. Carmel Rd., 5th Dist.
HERBERT W. WIRTS, et ux, : Case No. 87-14-A
Petitioners :

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

I HEREBY CERTIFY that on this 20th day of June, 1986, a copy of the foregoing Entry of Appearance was mailed to Mr. and Mrs. Herbert W. Wirts, 3319 Southgreen Rd., Baltimore, MD 21207, Petitioners.

Peter Max Zimmerman
Peter Max Zimmerman
People's Counsel

property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the petitioner must meet the following:

- whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance were granted, such use as proposed would not be contrary to the spirit of the BCZR and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the instant variance were not granted. It has been established that the requirement from which the Petitioners seek relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 16th day of July, 1986, that the Petition for Zoning Variance to permit a side yard setback of 42 feet in lieu of the required 50 feet be and

- 2 -

MICROFILMED

IN RE: PETITION ZONING VARIANCE * BEFORE THE
E/S of Marshall Mill Road, * ZONING COMMISSIONER
2,460' N of the centerline * OF BALTIMORE COUNTY
of Mt. Carmel Road * Case No. 87-14-A
5th Election District *
Herbert W. Wirts, et ux, *
Petitioners *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a side yard setback of 42 feet in lieu of the required 50 feet, as more particularly described on Petitioners' Exhibit 1.

The Petitioner, Herbert W. Wirts, appeared and testified. There were no Protestants.

Testimony indicated that the subject property is located on Marshall Mill Road in a development approved when the property was zoned R.D.P, which required 50-foot side yard setbacks. The Petitioners propose to construct an 86' x 28' single-story, ranch style dwelling on the vacant 180' x 270' lot, adjacent to property owned by their daughter, because of Mrs. Wirts' arthritis. The proposed dwelling requires a setback of 42 feet to the north property line, contiguous to their daughter's property. Although presently zoned R.C.2, which requires only 35-foot side yard setbacks, a variance is required. To reduce the size of the dwelling to fit the 50-foot requirement would negatively impact the Petitioners' familial needs, and inasmuch as the present zoning requires only a 35-foot setback, it would serve no useful purpose to require the greater setback.

The Petitioners seek relief from Sections 103.3 and IA00.3.B.3, pursuant to Section 307, Baltimore County Zoning Regulations (BCZR).

An area variance may be granted where strict application of the zoning regulation would cause practical difficulty to the petitioner and his

MICROFILMED

PETITION FOR ZONING VARIANCE

5th Election District

Case No. 87-14-A

LOCATION: East Side of Marshall Mill Road, 2460 feet North of the Centerline of Mt. Carmel Road

DATE AND TIME: Monday, July 14, 1986, at 9:45 a.m.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Zoning Variance to permit a side yard setback of 42 feet in lieu of the required 50 feet

is hereby GRANTED, from and after the date of this Order, subject to the following:

- The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

Zoning Commissioner of Baltimore County

AJ/srl

cc: Mr. & Mrs. Herbert W. Wirts

People's Counsel

Being the property of Herbert W. Wirts, et ux, as shown on plat plan filed with the Zoning Office.

In the event that this Petition(s) is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF
ARNOLD JARLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

MICROFILMED

Zoning Description

Beginning on the E/S of Marshall Mill Road, 2460 ft. N. of the centerline of Mount Carmel Road. Being Lot # 20 Plat #2 Buena Vista, recorded in the land records of Baltimore County. Containing 1.1 Ac in the 5th. Election district.

MICROFILMED
OFFICE COPY

Mr. Herbert W. Wirts
Mrs. Barbara L. Wirts
3319 Southgreen Road
Baltimore, Maryland 21207

June 13, 1986

NOTICE OF HEARING

RE: PETITION FOR ZONING VARIANCE
E/S of Marshall Mill Rd., 2460' N of the
c/l of Mt. Carmel Rd.
5th Election District
Herbert W. Wirts, et ux - Petitioners
Case No. 87-14-A

TIME: 9:45 a.m.

DATE: Monday, July 14, 1986

PLACE: Room 106, County Office Building, 111 West Chesapeake
Avenue, Towson, Maryland

CERTIFICATE OF PUBLICATION

TOWSON, MD., June 26, 1986

THIS IS TO CERTIFY, that the annexed advertisement was
published in THE JEFFERSONIAN, a weekly newspaper printed
and published in Towson, Baltimore County, Md., once in each
of 3 successive weeks, the first publication appearing
on June 12, 1986

THE JEFFERSONIAN,

Susan Seiden O'Brien

Publisher

Cost of Advertising

2200

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

June 30, 1986

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

000

Chairman

MEMBERS

Bureau of Engineering
Department of
Traffic Engineering
State Roads Commission
Bureau of
Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial
Development

Mr. Herbert W. Wirts
3319 Southgreen Road
Baltimore, Maryland 21207

RE: Item No. 454 - Case No. 87-14-A
Petitioner: Herbert W. Wirts, et ux
Petition for Zoning Variance

Dear Mr. Wirts:

The Zoning Plans Advisory Committee has reviewed the plans
submitted with the above-referenced petition. The following
comments are not intended to indicate the appropriateness of the
zoning action requested, but to assure that all parties are made
aware of plans or problems with regard to the development plans
that may have a bearing on this case. The Director of Planning
may file a written report with the Zoning Commissioner with recom-
mendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the
Committee at this time that offer or request information on your
petition. If similar comments from the remaining members are
received, I will forward them to you. Otherwise, any comment that
is not informative will be placed in the hearing file. This
petition was accepted for filing on the date of the enclosed
filing certificate and a hearing scheduled accordingly.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:kbb
Enclosures

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
TO: Zoning Commissioner

Date: July 8, 1986

Norman E. Gerber, AICP
FROM: Director, Office of Planning & Zoning

SUBJECT: Petitions for Zoning Variances:

No. 87-13-A
No. 87-14-A
No. 87-18-A
No. 87-19-A
No. 87-20-A
No. 87-21-A
No. 87-22-A

There are no comprehensive planning factors requiring comment on these petitions.

Norman E. Gerber per J. Jablon
Norman E. Gerber, AICP

NEG:JGH:bjs

CPS-nna

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 021683

DATE: 6/6/86 ACCOUNT: 01-615-000

AMOUNT: \$ 35.00

RECEIVED FROM: Herbert Wirts

FOR: Variance # 454

FOR: 8 8013*****583518 60787

VALIDATION OR SIGNATURE OF CASHIER

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 5th Date of Posting: June 24, 1986

Posted for: Variance

Petitioner: Herbert W. Wirts, et ux

Location of property: E/S of Marshall Mill Rd., 2460' N of the c/l

of Mt. Carmel Rd.

Location of Signs: E/S of Marshall Mill Rd. in front of subject

property at 18001 Marshall Mill Rd.

Remarks:

Posted by: J. J. Grala Signature

Date of return: June 27, 1986

Number of Signs: 1

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JABLON
ZONING COMMISSIONER

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

July 9, 1986

Mr. Herbert W. Wirts
Mrs. Barbara L. Wirts
3319 Southgreen Road
Baltimore, Maryland 21207

RE: PETITION FOR ZONING VARIANCE
E/S of Marshall Mill Rd., 2460' N of the c/l
of Mt. Carmel Rd.
5th Election District
Herbert W. Wirts, et ux - Petitioners
Case No. 87-14-A

Dear Mr. and Mrs. Wirts:

This is to advise you that \$58.35 is due for advertising
and posting of the above property. This fee must be paid before an
Order is issued.

THIS FEE MUST BE PAID AND THE ZONING SIGN AND POST RETURNED ON
THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Do not remove sign from property from the time it is placed by
this office until the day of the hearing itself.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 021786

DATE: 7/14/86 ACCOUNT: 2-01-615-000

SIGN AND POST TO
BE RETURNED

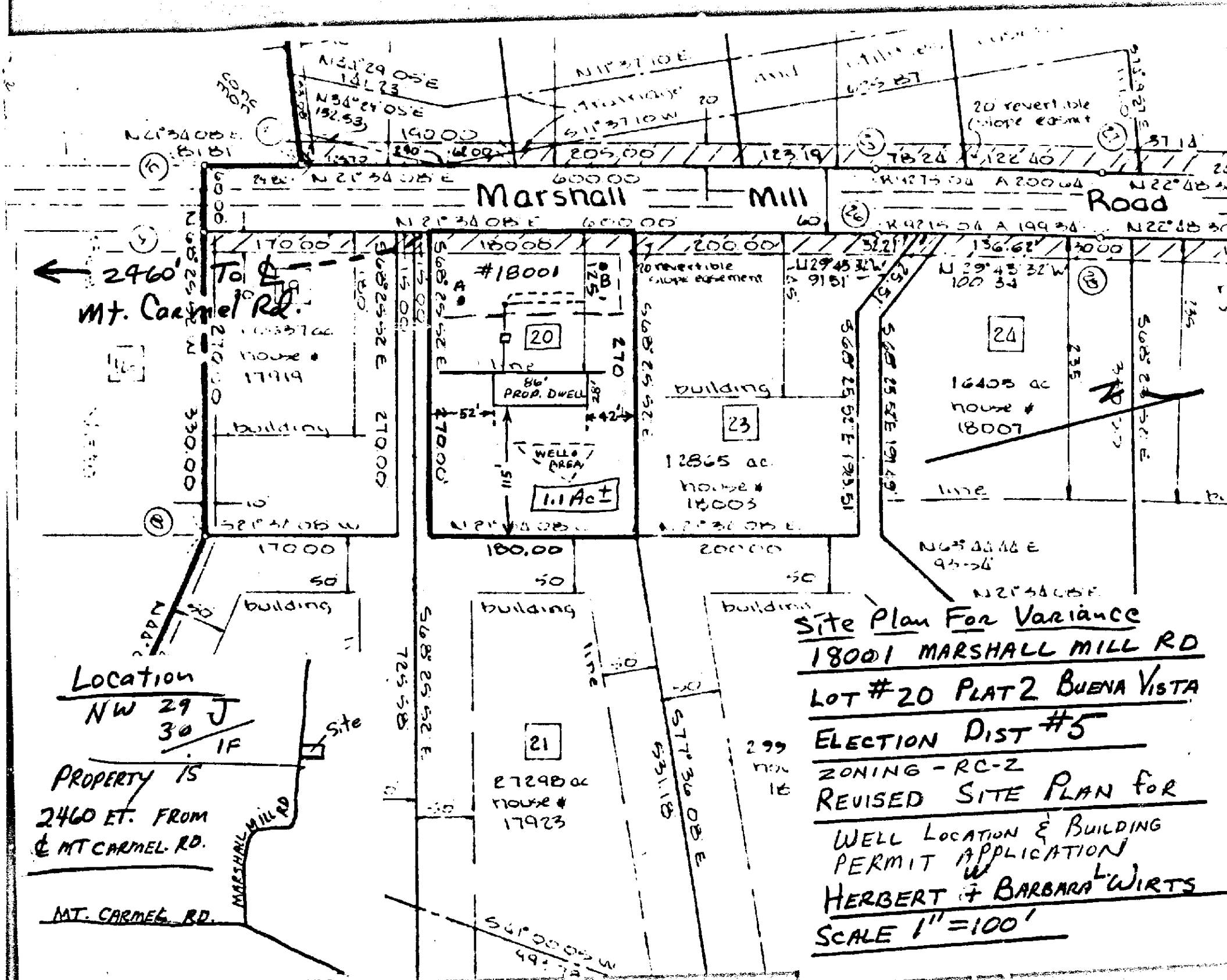
AMOUNT: \$ 58.35

RECEIVED FROM: Herbert W. Wirts, 3319 Southgreen Rd.,
Baltimore, Md. 21207

Advertising and Posting re Case #87-14-A

FOR: 8 8013*****583518 6146F

VALIDATION OR SIGNATURE OF CASHIER



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
TO: Zoning Commissioner Date: July 8, 1986

Norman E. Gerber, AICP
FROM: Director, Office of Planning & Zoning

SUBJECT: Petitions for Zoning Variances:

No. 87-13-A
No. 87-14-A
No. 87-18-A
No. 87-19-A
No. 87-20-A
No. 87-21-A
No. 87-22-A

There are no comprehensive planning factors requiring comment on these petitions.

Norman E. Gerber
Norman E. Gerber, AICP

NEG:JGH:bjs

BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204-2586
494-4300

PAUL H. REINCKE
CHIEF

June 24, 1986

Mr. Arnold Jablon
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

RE: Property Owner: Herbert W. Wirts, et ux
Location: E/S Marshall Mill Rd., 2460' N. of centerline of Mt. Carmel Rd.

Item No.: 454 Zoning Agenda: 6/17/86

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

() 1. Fire hydrants for the referenced property are required and shall be located at intervals or feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

() 2. A second means of vehicle access is required for the site.

() 3. The vehicle dead end condition shown at

EXCEEDS the maximum allowed by the Fire Department.

() 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

(X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 edition prior to occupancy.

() 6. Site plans are approved, as drawn.

() 7. The Fire Prevention Bureau has no comments, this time.

REVIEWER: *John F. O'Neill*
Noted and Approved: *John F. O'Neill*
Planning Group
Special Inspection Division
Fire Prevention Bureau

/mb

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND

Legislative Session 1986, Legislative Day No. 13

RESOLUTION NO. 35-86

Messrs. Huddles & Ruppertsberger, Councilman

By the County Council, June 16, 1986

A RESOLUTION concerning the public disclosure of Herbert W. Wirts

WHEREAS, Herbert W. Wirts, County Auditor, is the owner of property located at 18001 Marshall Mill Road in the Third Councilmanic District, which property is or will be the subject of a Petition for Variance to the side yard setback requirements; and

WHEREAS, this Resolution is intended to serve as the public disclosure required by §22-11(e) of the Baltimore County Code.

NOW, THEREFORE, BE IT RESOLVED by the County Council of Baltimore County, Maryland, that the interest of Herbert W. Wirts in the property described herein and the Petition for Variance in connection therewith does not contravene the public welfare.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter stricken from existing law.
Strike out indicates matter stricken from bill.
Underlining indicates amendments to bill.

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
TOWSON, MARYLAND 21204
NORMAN E. GERBER
DIRECTOR

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

JULY 1, 1986

Re: Zoning Advisory Meeting of JUNE 17, 1986
Item 454 HERBERT W. WIRTS
Location: E/S MARSHALL MILL RD.
2460' N. OF MT. CARMELO RD.

Dear Mr. Jablon:

The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable.

- (X) There are no site planning factors requiring comment.
- (X) A County Review Group Meeting is required.
- (X) A County Review Group Meeting was held and the minutes will be forwarded by the Bureau of Public Services.
- () This site is part of a larger tract; therefore it is defined as a subdivision. The plan must show the entire tract.
- () A record plat will be required and must be recorded prior to issuance of a building permit.
- () The access is not satisfactory.
- () The circulation on this site is not satisfactory.
- () The parking arrangement is not satisfactory.
- () Parking calculations must be shown on the plan.
- () This property contains soils which are defined as wetlands, and development on these soils is prohibited.
- () Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-53 of the Development Regulations.
- () Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
- () The amended Development Plan was approved by the Planning Board.
- () Landscaping must comply with Baltimore County Landscape Manual.
- () The property is located in a deficient service area as defined by §111-173-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service is
- () The property is located in a traffic area controlled by a "D" level intersection as defined by §111-173-79, and as conditions change traffic capacity may become more limited. The Basic Services Area is re-evaluated annually by the County Council.
- () Additional comments:

Eunna A. Butler
Chief, Current Planning and Development

cc: James Hoswell

PETITION FOR ZONING VARIANCE
5th Election District
Case No. 87-14

LOCATION: East Side of Marshall Mill Road, 2460 feet North of the Centerline of Mt. Carmel Road.
DATE AND TIME: Monday, July 14, 1986 at 9:45 a.m.
PUBLIC HEARING: Room 102, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the Petition for Zoning Variance to permit a side yard setback of 42 feet in lieu of the required 50 feet.
Being the property of Herbert W. Wirts, et ux, as shown on plat plan filed with the Zoning Office.
In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during the period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

(X) Community Times, a

LANDMARK COMMUNITY NEWSPAPERS OF MARYLAND, INC.

Per: *Melanie Jumper*

PERS OF MARYLAND, INC.

Ad. June 26, 1986

Annexed Req. #85733L P.O. # 77880

Successive 30 days previous

1986, in the

a daily newspaper published

in Anister, Carroll County, Maryland.

a weekly newspaper published

in Baltimore County, Maryland.

a weekly newspaper published

in Baltimore County, Maryland.

LANDMARK COMMUNITY NEWSPAPERS OF MARYLAND, INC.

